

**4108. Misbranding of "Angier's Petroleum Emulsion with Hypophosphites." U. S. \* \* \* v. 17 Cases of \* \* \* "Angier's Petroleum Emulsion." Consent decree of condemnation and forfeiture. Product ordered destroyed. (F. & D. No. 5921. I. S. No. 25856-h. S. No. E-105.)**

On September 15, 1914, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 17 cases of a product called "Angier's Petroleum Emulsion," remaining unsold in the original unbroken packages at Baltimore, Md., alleging that the product had been shipped and transported from the State of Massachusetts into the State of Maryland, and charging misbranding in violation of the Food and Drugs Act, as amended. The cases were labeled: (Ends)

"One {Small } Doz. Angier Chemical Co. Angier's Soothing Healing Odorless  
 {Large } Tasteless Emulsion, Boston, U. S. A. London, Eng." (Side) "For Throat and Lung Diseases." (Side) "Practically Tasteless." The retail cartons were labeled: "Wrapper adopted July 1, 1912. Angier's Emulsion Petroleum With Hypophosphites (Lime and Soda) Rx 'Emulsio Petrolei with Hypophosphitibus.' (Angier) Indicated in Diseases of the throat and lungs and of the Digestive Apparatus. Useful in General Debility and Wasting Diseases, Especially when due to Faulty Nutrition. The antiseptic properties of the Emulsion particularly adapt it to the treatment of diseases of septic or bacterial origin. The oil is rendered palatable, and the Emulsion is acceptable to the most delicate stomach. Directions inside. Prepared by the Angier Chemical Co., Boston, U. S. A. Great Britain The Angier Chemical Co., Limited, 86 Clarkwell Road, London, E. C. Price \$1.00. In Great Britain 4/6. Keep in Cool Place. Shake Well." (On back of carton) "No. 3071. Guaranteed by the Angier Chemical Co. under the Food and Drugs Act, June 30, 1906. Contains no alcohol or narcotic. Angier's Petroleum Emulsion Healing Soothing Tasteless Odorless (Trade Mark) Registered. This bottle contains 12 Fluid Ounces." The bottles were labeled: "No. 3071 Guaranteed by the Angier Chemical Co. under the Food and Drugs Act, June 30, 1906. Shake the Bottle. Angier's Petroleum Emulsion with Hypophosphites (Lime and Soda) Dose Adults—Two teaspoonfuls four times a day, after meals and at bedtime. The Emulsion may be taken clear or mixed with water, milk, wine, malt or other suitable vehicle. Children—According to age. (See circular) For Coughs and throat troubles it is best to take in smaller and more frequent doses, churning about in the mouth before swallowing so as to obtain the marked local effect upon the mucous surfaces For more detailed directions see inclosed circular. Prepared by the Angier Chemical Co., Boston, U. S. A."

Misbranding of the article was alleged in the libel for the reason that the claims as to the following therapeutic effects, (On carton) "Useful in General Debility and Wasting Diseases, Especially when due to Faulty Nutrition. The antiseptic properties of the Emulsion particularly adapt it to the treatment of diseases of septic or bacterial origin." (Circular) "Angier's Petroleum Emulsion is indicated in affections of the throat, lungs, and intestinal tract—both subacute and chronic. In diseases of the digestive apparatus due to catarrhal, ulcerative or tuberculous conditions, its peculiar soothing, healing and aseptic properties make its use especially beneficial. In Phthisis, particularly in the incipient stage, the Emulsion tends to promptly relieve the distressing cough, night sweats and diarrhoea, and to fortify nutrition, thus antagonizing the progress of the disease. In coughs, even the most stubborn, and in Bronchitis or any inflammatory condition of the respiratory tract, its action is most marked.

During convalescence from La Grippe, Typhoid Fever, and other diseases which leave the patient in an exhausted condition, it braces the patient, enables him to combat the ravages of the disease and usually guarantees him freedom from the subsequent exhaustion and sequelæ. It palliates the nervous systems and hastens convalescence," were misleading, false, and fraudulent.

On October 24, 1914, the Angier Chemical Co., Boston, Mass., claimant, filed its answer, and on September 30, 1915, filed its amended claim and answer, and on said date, the case having come on to be heard and having been argued by counsel, and it appearing to the court that the claimant believed that its labels, cartons, and circulars contained no false or misleading statements, and it further appearing that the expense to the claimant of defending the case would be almost prohibitive, and that, for the purpose of saving the expense of a trial, claimant was willing that the product should be condemned, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *December 4, 1915.*

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